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774-58

*Opinion*

1958

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February 25

OCT 01 1998

CONCORD, N.H.

Russell B. Tobey, Director  
Recreation Division  
Forestry and Recreation Commission  
State House Annex

Re: Insurance -- Cannon Mountain and Mt. Sunapee  
Aerial Tramways

Dear Mr. Tobey:

As requested in your letter of February 6, 1958, I have reconsidered the opinion given to you by former Assistant Attorney General Arthur E. Bean, Jr., under date of April 7, 1954, to the effect that your agency is required to carry insurance on all of the buildings and facilities located at the above tramways. The controlling statutes have not been amended since Mr. Bean's opinion and are now contained in RSA 227:2 and 10.

I have given considerable thought to this matter but am forced to conclude that Mr. Bean's opinion is correct. I find no indication in the statutes that the legislature intended to restrict such insurance to the tramway itself or to facilities which were in existence at the time of the original enactment of the statutes in 1950. I cannot read the statute in any other way than that the legislature intended that the buildings which housed the tramways as well as all other buildings and facilities at the site, whether in existence at the enactment of the statutes or added later, were to be considered integral parts of the two tramways. I sympathize with your situation as you know but the only suggestion I can make is that you ask the next session of the legislature to relieve you of such obligations.

May I call your attention to RSA 8:19, IX as amended by Laws of 1957, 270:1, which reads in part as follows:

"After consultation with, and approval by,  
the board of approval . . . purchase . . .  
such other insurance . . . as any state  
department . . . may now or hereafter be  
legally authorized to secure, or required  
to furnish . . ."

Russell B. Tobey, Director

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Perhaps you can get some relief from the Board of Approval under the terms of this amendment.

Sincerely yours,

John J. Zimmerman  
Assistant Attorney General

JJZ/lt